IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9431 of 1994

Between:

1 Swarna Srinivasulu S/o Adinarayana
R/o Koruturu Village, Indukurpet Mandal,,Nellore Dist.
2 Chandra Narasimhaiah S/o Nagaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
3 Chembeti Subramanyam S/o Dirisalaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
4 Chembeti Lakshmamma W/o Dirisalaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
5 P. Venkamma W/o Siddaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
6 Chembeti Balaramaiah S/o Papaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
7 Puli Seshamma W/o Achaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
8 Puli Puttaiah S/o Achaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
9 Sk. Shilar Bee W/o Karem Saheb
R/o Koruturu Village, Indukurpet Mandal,, Nellore Dist.
10 Sk. Yerra Kalesha S/o Meerasaheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
11 Pasupuleti Chinnavenkaiah S/o Pedda Sashaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
12 Y. Venkaiah S/o Ramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
13 M. Kanakamma W/o Naraiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
14 Tupakula Kotaiah S/o Venkata Subbaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
15 Y. Venkamma w/o Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
16 Sk. Jaheera Bee W/o Chote Saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

17 T. Ramanaiah S/o Venkataswamy
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
18 Chembeti Chenchu Ramaiah S/o Papaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
19 Sk. Hethamma W/o Shabbeer Saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
20 Sandra Nagaiah S/o Subbaramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
21 S. Subrahmanyam S/o Subramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
22 E. Ravamma W/o Chenchaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
23 Chittiboina Ramaiah S/o Sankaraiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
24 K. Pitchaiah S/o Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
25 K. Srihari S/o Subramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
26 Y. Narasimham S/o Ramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
27 T. Bujjamma W/o Penchalaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
28 Sk. Avula Kalesha S/o Mastan Saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
29 P. Venkaiah S/o Subbaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
30 A. Bojjaiah S/o Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
31 P. Subramanyam S/o Venkataramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
32 T. Venkataiah S/o Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
33 K. Siddaiah S/o Polisetti
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
34 K. Venkata Ramanaiah S/o Lakshminarayana
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
35 K. Venkata Ramanamma W/o Lakshminarayana
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
36 S. Venkateswarlu S/o China Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
37 S. Mahalakshmamma W/o China Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
38 Yerram Setti Seenaiah S/o Ratnaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
39 Yerram Setti Ratnaiah S/o Ramakrishnaiah

R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

40 S. Jalaiah S/o Poli Reddy
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

41 V. Krishnaiah S/o Subbaramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

42 Sk. Mahaboob Saheb S/o Babul Saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

43 Chellamcherla Polamma W/o Penchalaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

44 A. Subbaramaiah S/o Seshaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

45 A. Audiseshaiah S/o Balaramaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

46 G. Venkaiah S/o Siddaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

47 Syed Kareemsaheb S/o Nabbe saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

48 K. Polaiah S/o Naraiah
R/o Koruturu Village, Indukurpet Mandal,,Nellore Dist.

49 Y. Raja Rao S/o Chinnaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

50 R. Seshaiah S/o Venkaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

51 P. Naraiah S/o Venkaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

52 Puli Seshaiah S/o Achaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

53 Chitti Boina Ramanamma W/o Chinnaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

54 A. Ramanaiah S/o Bujjaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

55 M. Seethamma W/o Venkata Subbaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

56 M. Polaiah S/o Chenchu Krishnaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

57 Chembeti Penchalaiah S/o Basavaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

58 Chellamcherla Krishnaiah W/o Kalagaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

59 Chellamcherla Seshamma W/o Kalagaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

60 Y. Kondamma W/o Seshagiri
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

61 P. Muneiah S/o Siddaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

62 V. Indira Devi W/o Mahalakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
63 Sk. Nanne saheb S/o Khader Saheb
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
64 Konduru Seshaiah S/o Lakshmaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.
65 A. Subrahmanyam S/o Balaramaiah
R/o Koruturu Village, Indukurpet Mandal,Nellore Dist.
66 M. Polaiah S/o Krishnaiah
R/o Koruturu Village, Indukurpet Mandal, Nellore Dist.

..... PETITIONERS

AND

1 The Governmement of A.P. rep. by Prl. Secretary, Revenue Dept., Secretariat Buildings, A.P., Hyderabad
2 The District Collector, Nellore

3 The Revenue Divisional Officer, Nellore
4 The Mandal Revenue Officer, Indukupet Mandal, Nellore Dist.
5 The Schedule Caste & Schedule Tribes Corporation, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly in the nature of a writ of Mandamus declaring the impugned order in Rc.No.I.4521/93, dt: 13-12-1993 issued by the 3rd respondent herein as illegal, arbitrary and unjust and voilative of principles of natural justice and further direct the respondents herein to grant D.Form pattas to the petitioners in respect of the lands mentioned in Sy.Nos.179/3, 180/1, 181/2, 193/1, 541/8, 541/11, 536/17, 532/22, 184/3, 183/3, 541/5, 192/3, 539/22, 193/1, 183/4, 179/2, 541/12, 541/3, 182/3, 174/4, 176/4, 542/B7, 182/1, 178/A2, 177/3, 191/3, 191/3, 176/2, 192/4, 180/4, 174/1, 177/2, 176/1, 193/4, 193/5, 394/5, 542/B12, 542/B9, 542/B3, 193/3, 542/B4, 182/5, 173/3, 181/3, 178/A1, 174/3, 177/4, 193/6, 539/A1, 542/B2, 534/A1E, 542/B5, 539/A1/F, 193/2, 536/18, 182/2, 174/2, 180/3, 184/4, 173/1, 541/1, 536/12, 181/1, 179/1, 175/1, 541/2, 182/4, 173/2, 175/3, 177/1, 192/2, to an extent of 66 acres situated at Koruturu Village, Indukurpet (M), Nellore Dist. and pass

For the Petitioners: MR.D.SETHURAMI REDDY ,Advocate

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

W.P.No.9431 of 1994

ORDER:

Heard both sides.

Petitioners herein, who are claimed to be the assignees, filed this Writ Petition, seeking writ of 'Mandamus' challenging the impugned order, dated 13-12-1993 cancelling their assignments *inter alia,* on the ground that they are trying to lease out their lands to others, after obtaining D form pattas. Further, they have also not cultivated the lands allotted to them. Therefore, they have violated the conditions of the allotment orders.

After hearing the counsel for the petitioners and after perusing the entire material on record, and especially the impugned order, it is seen that the same is passed without any prior notice or conducting any enquiry in the presence of the petitioners. Though there are several petitioners, the respondents ought to have been granted individual different D-form pattas, to the petitioners and in spite of the same, no notice has been given, especially when such serious allegations said to be made against them in regard to the alleged attempt to alienate or lease out the lands. There is no force in the contention of the respondents that they given any opportunity to the parties concerned.

In the circumstances, the Writ Petition is allowed and the impugned orders passed in Rc.No.I.4521/93, dated 13-12-1993, are set aside. It is, however, open to the respondents to issue fresh notice to the petitioners and pass orders, after conducting enquiry. No costs.

BSS/HSD

Assistant REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Prl. Secretary,Governmement of A.P.Revenue Dept., Secretariat Buildings, A.P., Hyderabad
2 The District Collector, Nellore
3 The Revenue Divisional Officer, Nellore
4 The Mandal Revenue Officer, Indukupet Mandal, Nellore Dist.
5 The Schedule Caste & Schedule Tribes Corporation, Nellore
6. 2CCs to Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT)
7. 2CD copies

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